IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5063 OF 2004

Shri Kantilal Jetaji Purohit ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.T.K.Sinha for Applicant.

Mr.D.R.More, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 23, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant is arrested in connection with C.R.No.97 of 2004. The prosecution case is that the Applicant was carrying bag which contained sum of Rs.50,000/- (Rupees Fifty Thousand), which was stolen. The said bag was reportedly taken away by accused No.1 and the accused No.1, in turn, is stated to have used the said fake currency for

purchasing certain items from Vaishali Enterprises at Kolhapur. The owner of the said shop registered complaint about the fake currency notes. It is in that backdrop, the Applicant has been linked with the offence of fake currency notes. However, no material has been brought to my notice to establish that the currency used by accused No.1 was taken from the bag belonging to the Applicant herein. Besides, the bag belonging to the Applicant herein, which was stolen and stated to have been recovered during investigation, has not been identified. Moreover, learned A.P.P. fairly accepts that no identification parade was conducted in respect of the Applicant herein. Moreover, as the other two accused (accused Nos.2 and 3) are already released on bail, the Applicant deserves to be enlarged on bail on following conditions :

(a) The Applicant is enlarged on bail in connection with C.R.No.97/04 registered with Rajarampuri Police Station, on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one local surety in the like amount from Kolhapur District.

(b) The Applicant shall report to the concerned Investigating Officer once in a fortnight between 10.00 a.m. and 1.00 p.m.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that can be a ground for cancellation of bail.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.